

FACTUAL ALLEGATIONS

5. Plaintiff filed a Chapter 13 petition on March 17th, 2022.
6. Plaintiff objected to the Claims listed above on June 27th, 2022.
7. Plaintiff on June 28th, 2022 made a written request for all transfers or assignments off the Claims listed above.
8. At the time of filing the Chapter 13 petition, none of theses Claims belonged to LVNV.
9. None of the objected to Claims as listed above provided an itemized statement of the interest, fees, expenses or charges.
10. Failure to provide the itemized statement in an individual Debtor case may result in sanctions on the Creditor per Bankruptcy Rule 3001(c)(2).
11. In the production of transfers or assignments for Claims Number 11, 12, 13, 14, 15 & 16 to Resurgent Acquisitions, LLC the Bill of Sale from Synchrony is signed and dated April 29th, 2022 16:10 EDT.
12. The transfers or assignments from Resurgent Acquisitions, LLC to LVNV Funding LLC was made on April 27, 2022, some two days before the claimed acquisition as listed in Claims Number 11, 12, 13, 14, 15 & 16.
13. As to Claim Number 20 the Declaration of Account Transfer lacks any reference to Debtor's debt and/or date of transfer.
14. More than 30 days have passed since the written request for transfer or assignment of debts included in Claims Number 18 & 21 and to date none has been produced nor has there been a statement that such transfer or assignment has been lost or destroyed.
15. Failure to comply with Bankruptcy Rule 3001(c)(2)(D) provides for the award off appropriate relief, including reasonable expenses and attorney's fees caused by the failure.

16. Sherman Financial Group LLC owns LVNV Funding LLC.
17. Sherman Financial Group LLC is a partner in Resurgent Capital Services, L.P.
18. Sherman Financial Group LLC owns Resurgent Acquisitions LLC.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays that each of the objected to Claims be found as invalid and order the following:

- a.) Sanction Defendants for failure to comply with Bankruptcy Rule 3001(c)(2) as required in an individual Debtor case.
- b.) Sanction Defendants as provided for in Rule 3001(c)(2)(D)(i) and preclude them from presenting the omitted information, in any form, as evidence in this adversary proceeding and disallow each of the listed objected to Claims.
- c.) Award other appropriate relief, including reasonable expenses and attorney's fees as provided for in Rule 3001(c)(2)(D)(ii).
- d.) Disallow each of the Objected to Claims as part of the sanctions.
- e.) And such other relief that the Court may grant.

Respectfully submitted,

/s/ Michael J Antonio, Jr.
Michael J Antonio, Jr.
Attorney for Debtor
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CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the foregoing upon the following by electronic filing through the CM/ECF system or first class US mail postage prepaid and properly addressed on this the 7th day of September, 2022.

LVNV Funding, LLC
c/o Resurgent Capital Services
PO Box 10587
Greenville, SC 29603-0587

LVNV Funding, LLC
its President or CEO
6801 S Cimarron Road STE 424-3
Las Vegas, NV 89113

LVNV Funding, LLC
55 Beattie Place Ste 110
Greenville, SC 29601

LVNV Funding, LLC
c/o Corporation Service Company Inc
641 South Lawrence Street
Montgomery, AL 36104

LVNV Funding, LLC
c/o Amanda M Beckett, Esq.
Rubin Lublin, LLC
428 N Lamar Blvd., Suite 107
Oxford, Mississippi 38655

Resurgent Capital Services, L.P,
its General Partner – Alegis Group, LLC
9700 Richmond, Ste 160
Houston, TX 77042

Resurgent Capital Services, L.P.
55 Beattie Place
Suite 110 MS 425
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/s/ Michael J. Antonio, Jr.
Of Counsel